IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 16177 of 2003

Between:

Mandala Suryanarayana Murthy, S/o.late Veerabhadra Rao,
R/o.H.NO.29-7-5, Mandalavari Lane, Cinema Road,
Santa Cheruvu, Kakinada-7, East Godavari District

..... PETITIONER

AND

1 The District Collector,

East Godavari District, Kakinada.
2 Kakinada Municipality,

rep. by its Commissioner, Kakinada

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the action of the 1st respondent in directing the 2nd respondent to prohibit the petitioner herein from collecting Aaseelu or Rusumu contrary to the G.O.Rt.No.551 dated
24-4-2003 as illegal, arbitrary and capricious.

Counsel for the Petitioner: MR. V.L.N.GOPALA KRISHNA MURTHY

Counsel for Respondent No.1: GOVERNMENT PLEADER FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for Respondent NO.2: MR. D.SRINIVAS, STANDING COUNSEL FOR MUNICIPALITIES (ANDHRA AREA)

The Court made the following:

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ORDER:

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In pursuance of a public auction conducted on 24-3-2003, the petitioner herein was awarded a contract to collect fees from five Municipal Markets and road margins in Kakinada Municipal area. The contract is for a period of one year from 1-4-2003 to 31-3-2004. The Government of Andhra Pradesh, in the meanwhile, issued orders in G.O.Rt.No.551, dated 24-4-2003, directing the Director of Municipal Administration to issue instructions to all Municipalities to stop collection of Octroi Tax. Purporting to take action thereunder, the first respondent appears to have directed the second respondent to prohibit the collection of market fees, locally known as 'Aaseelu'. By that time, the petitioner was successful bidder, who was permitted by proceedings of the second respondent, dated 30-3-2003, to collect Aaseelu. Therefore, he filed the present Writ Petition.

This Court, while issuing Notice before admission on 5-8-2003, directed the respondents to permit the petitioner to collect Aaseelu/ rusumu from the date of proceedings of the second respondent.

The matter was called again today. It is brought to my notice that the period of contract itself expired on 31-3-2004 and therefore, the Writ Petition does not survive. However, it is observed that prohibition is in relation to Octroi Tax and it is always open to the second respondent to conduct fresh auction for collection of market fees/Aaseelu or rusumu.

The Writ Petition, with the above observations, is disposed of.
No costs.

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V.V.S. RAO, J

Dated: November 05, 2004.

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To

1. The District Collector, East Godavari District, Kakinada.

2. The Commissioner, Kakinada Municipality, Kakinada.

3. Two CCs to the Government Pleader for Municipal Administration and

Urban Development, High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.